

## Module III

Course: USDA Civil Rights Overview  
Module III: Nondiscrimination in Program and  
Services Delivery

### Lesson C

## Compliance Requirements

**Description:** In this lesson, you will learn some of the civil rights laws and regulations that ensure nondiscrimination in federally assisted and federally conducted programs. You will also learn how the USDA ensures compliance with these laws and regulations.

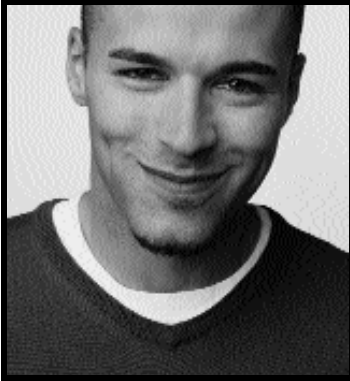
**Objective:** Upon completion of this lesson, you will:

- Recognize compliance requirements in laws governing federally assisted and federally conducted programs.
- Identify the different bases in the laws for filing complaints.
- Know what steps USDA takes to ensure compliance with civil rights laws.

Listed below are the **topics** associated with this lesson.

Topic 1 Regulatory Requirements -- Federally Assisted  
Topic 2 Regulatory Requirements -- Federally Conducted  
Topic 3 Ensuring Compliance





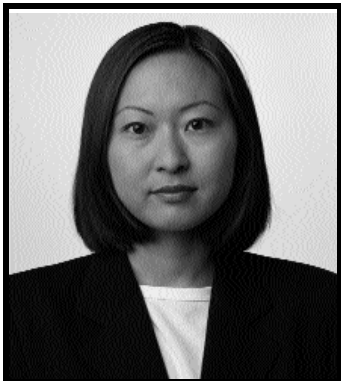
# Lesson C

## Compliance Requirements

### Topic 1: Regulatory Requirements - Federally Assisted

For federally assisted programs and activities, civil rights laws and regulations ensure nondiscrimination on the basis of race, color, religion, sex, age, national origin, disability or political beliefs. **NOT ALL BASES APPLY TO ALL PROGRAMS.**





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#### Topic 1: Regulatory Requirements - Federally Assisted

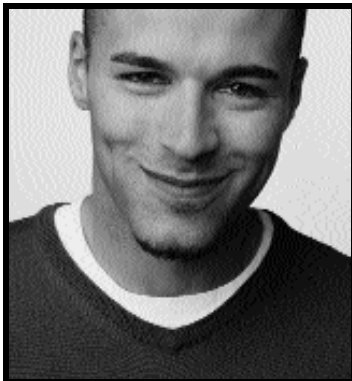
### Example

#### *Reimbursements Based on Race*

Risk Management Agency (RMA) provides services to farmers by means of reinsurance companies (recipients). A recent flood caused all the farmers in one county to lose a particular crop. All of the farmers filed Notices of Loss with their insurance companies. The insurance companies responsible for the county reimbursed all the farmers for their lost crops.

Suppose all farms owned by Blacks were reimbursed at a rate that was 66 percent of the rate for White farmers. If this were true, this would be an example of disparate impact on the basis of race.





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##### Topic 1: Regulatory Requirements - Federally Assisted

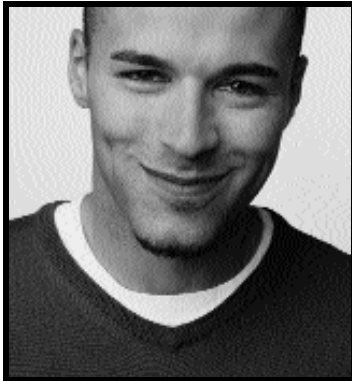
### Exercise

#### *Sex Discrimination?*

Henry applies for services from a recipient of USDA financial assistance. The recipient of USDA financial assistance is not a food stamp provider nor an educational institution. Henry knows that women normally receive the services he is applying for, but he is denied the service. Henry believes that his denial is because of his sex (male). Under what law can Henry file a complaint with the USDA alleging sex discrimination on the part of the recipient?

- ☐ a. Title IX of the Educational Amendments of 1972, as amended
- ☐ b. Title VI of the Civil Rights Act of 1964, as amended
- ☐ c. None. There is no law or regulation allowing for complainants to file allegations of sex discrimination in federally assisted programs or activities, except those covered by the Food Stamp Act, or any educational institutions or programs receiving federal financial assistance.
- ☐ d. The Rehabilitation Act of 1973, as amended





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#### Topic 1: Regulatory Requirements - Federally Assisted

### Exercise Answer

The correct answer is C.

**If "A" is selected:** Henry cannot file a complaint alleging sex discrimination with the USDA under Title IX because the recipient is not an educational institution.

**If "B" is selected:** Henry cannot file a complaint under Title VI of the Civil Rights Act of 1964 because Title VI only prohibits discrimination on the basis of race, color or national origin.

**If "D" is selected:** Henry cannot file a complaint under the Rehabilitation Act of 1973 because the act only prohibits discrimination on the basis of mental or physical disability.





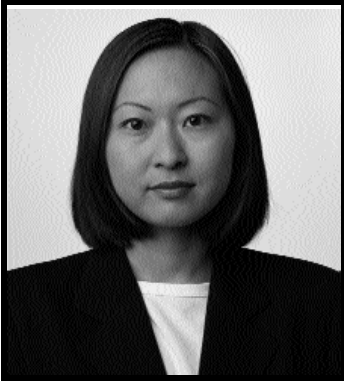
# Lesson C

## Compliance Requirements

### Topic 2: Regulatory Requirements - Federally Conducted

For federally conducted programs and activities, certain civil rights laws and departmental regulations apply that prohibit unlawful discrimination on the basis of race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, disability and the derivation of all or part of an individual's income from any public assistance source.





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### Topic 2: Regulatory Requirements - Federally Conducted

## Example

### *USDA Visitor's Center*

June learned of the USDA Visitor's Center, so while visiting Washington, D.C., she stopped in and learned about USDA programs and activities. Upon leaving the Visitor's Center, June requested that three pamphlets brought to her attention be made available in Spanish and Polish so that she could distribute them to the farmers in the upper midwest county where she works as a social worker. Many of the farmers and their families are from Poland and Mexico.





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#### Topic 2: Regulatory Requirements - Federally Conducted

### Exercise

#### *Housing Discrimination?*

Mary, an African-American, single parent of two, was approved for a single family housing loan for \$37,000. This loan program is operated by the Rural Housing Service. Mary felt that this loan was too small for her housing needs but her request for a larger loan was denied.

John, Mary's co-worker, is a White male and also a single parent of two. He applied and was approved for a \$43,000 housing loan.

Both have identical incomes and the same amount of debt. As a result, Mary wants to file a complaint alleging discrimination on the basis of race (Black) and sex (female). Can she?

\_\_\_\_\_ a. Yes

\_\_\_\_\_ b. No







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#### **Compliance Requirements**

#### **Topic 2: Regulatory Requirements - Federally Conducted**

### **Exercise Answer**

**The correct answer is A.**

Mary can file a complaint. All programs and activities provided directly by USDA are covered by Departmental Regulation 4300-3, which prohibits sex and race discrimination in USDA-conducted programs and activities.





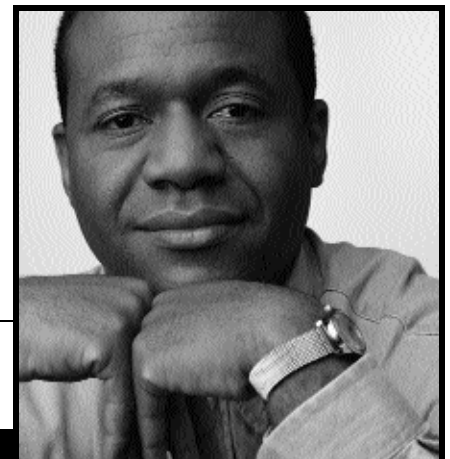
### Lesson C

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##### Topic 3: Ensuring Compliance

Following are some **examples of requirements** to ensure equal opportunity in licensing and certification programs:

- All licensing and certification programs must provide access to all eligible parties interested in completing the program in a nondiscriminatory manner. Outreach must be as inclusive as possible. Established requirements to be met by applicants must be objective, free of cultural biases and related to the subject matter.
- All programs and activities are to be conducted and delivered in the most integrated setting possible.
- All USDA employees, recipients and sub-recipients must have been trained on and have access to USDA's nondiscrimination policy and applicable civil rights laws, policies and procedures for filing program complaints of discrimination.
- All program applicants, participants and beneficiaries are provided with USDA's nondiscrimination policy and are aware of redress procedures to be followed in filing a grievance or a discrimination complaint.





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##### Topic 3: Ensuring Compliance

There must be **public notification** of USDA's nondiscrimination policy. This notification includes:

- Notice that programs and services must be delivered in a nondiscriminatory manner.
- Notice that USDA, its recipients and sub-recipients are equal opportunity employers.
- Information on how to request and secure documents and publications in alternative formats and languages.
- Information on how to file a program complaint.

There are also more requirements. **Contact your agency civil rights office** or look up the regulations for each of the civil rights laws that apply to your agency's programs and activities. Your agency is responsible for enforcing the specific civil rights requirements that apply to its programs and activities. It is also responsible for providing you with civil rights training and guidance to ensure that compliance requirements are fully met.





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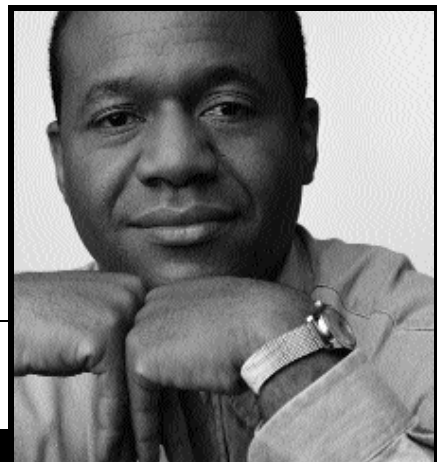
#### Topic 3: Ensuring Compliance

### Example

#### *Civil Rights Implementation Plan*

To help your agency, recipients and sub-recipients comply with all of the civil rights requirements applying to your agency's programs and activities you should:

- Know which civil rights laws apply to the programs and activities of your agency.
- Know what is required of you to ensure that civil rights compliance requirements are fully met.
- Secure and review a copy of your agency's Civil Rights Implementation Plan.





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Compliance Requirements  
Topic 3: Ensuring Compliance

#### Exercise

##### *Animal and Plant Health Inspection Service*

Helen Lewis, program manager for Animal and Plant Health Inspection Service (APHIS), received a call from a cowboy who was angry that the Forest Service had decided that his favorite site for riding his snowmobile had been designated a wilderness area and was now off limits to vehicles. Due to his disability, the cowboy could only enjoy the forest using his snowmobile.

Helen, as an APHIS program manager, must: (Select all that apply.)

- ☐ a. Know which civil rights laws apply to her agency, so she can answer questions about APHIS and also be able to correctly refer the cowboy to the appropriate USDA agency having responsibility for the issues raised by the caller.
- ☐ b. Make the caller aware of how to express his concerns to Forest Service officials.
- ☐ c. Explain that the program is a federally conducted program. Advise the caller how to file a complaint with the Forest Service if the cowboy believes that his rights have been violated.
- ☐ d. Explain that some decisions affect all persons equally, and that a civil rights violation may not be involved, but that if the person wants to file a complaint, he has the right to do so.
- ☐ e. Refer the matter to the Forest Service. The Forest Service is obligated to explain that there is a provision in the law that allows individuals to visit wilderness areas only on foot or using wheelchairs.





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Compliance Requirements  
Topic 3: Ensuring Compliance

#### **Exercise Answer**

All the choices are correct.





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#### Compliance Requirements

#### Lesson Summary

**1. True or False? Not all bases of protection from discrimination apply to ALL federally assisted programs.**

- A. True
- B. False

**2. True or False? National origin and disability are NOT bases protected from discrimination in USDA federally conducted programs and activities.**

- A. True
- B. False

**3. True or False? Your agency has the responsibility for ensuring that all its recipients or sub-recipients are in compliance with all civil rights laws and are implementing regulations that apply to the federally assisted program or activity.**

- A. True
- B. False





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#### Lesson Summary Answers

**1. True or False? Not all bases of protection from discrimination apply to ALL federally assisted programs.**

*The correct answer is True. Not all bases of protection from discrimination apply to all federally assisted programs.*

**2. True or False? National origin and disability are NOT bases protected from discrimination in USDA federally conducted programs and activities.**

*The correct answer is False. Civil rights laws and departmental regulations for federally conducted programs and activities ensure nondiscrimination on the basis of national origin and disability, as well as race, color, age, sex, sexual orientation, religion, marital or familial status or because all or part of an individual's income is derived from any public assistance source.*

**3. True or False? Your agency has the responsibility for ensuring that all its recipients or sub-recipients are in compliance with all civil rights laws and are implementing regulations that apply to the federally assisted program or activity.**

*The correct answer is True. Your agency has the responsibility for ensuring that all its recipients or sub-recipients are in compliance with all civil rights laws and are implementing regulations that apply to the federally assisted program or activity.*

